

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
08/16/2000

08/14/2000

CLERK OF THE COURT
FORM R109B

HON. PENNY L. WILLRICH

A. Pagel-Spaulding
Deputy

CR 1999-094595

FILED: _____

STATE OF ARIZONA

LEE M HOLTRY

v.

HOUSTON MARTIN MARTIN
DOB: 3/25/1958

KRISTINA DAVIS

APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
RFR
VICTIM WITNESS DIV-CA-SE

SUSPENSION OF SENTENCE - PROBATION GRANTED

8:54 a.m. State is represented by Terry Jennings.
Defendant is present and represented by Kristina Davis.

Court Reporter, Sharon Flores, is present.

Tim Davidson and Elving Young address the Court on behalf
of Defendant.

The Defendant is advised of the charge, the determination
of guilt and is given the opportunity to speak.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

JURY VERDICT The determination of guilt was based upon a
verdict of guilty after a jury trial.

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Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: Count 1: Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs While His Driver's License Was Suspended, Cancelled, Revoked or Refused, a class 4 felony, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 28-1381 (A)(1), 1383(A)(1), 3001, 3304, 3305, 3315, 13-701, 702, 801 committed on April 4, 1999.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on probation as to Count(s) 1 for a period of four years commencing 8/14/00 under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

As a condition of probation,

THE COURT FURTHER FINDS that the term of probation should include imprisonment in the custody of the Arizona Department of Corrections as a term of probation.

IT IS ORDERED that the Defendant be committed to the Arizona Department of Corrections for a term of imprisonment for

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a period of four months commencing 8/14/00 with credit for 34 days previously served.

IT IS ORDERED that Defendant's driver's license shall be revoked.

IT IS ORDERED that if Defendant has his/her driver's license reinstated, he/she shall install a certified ignition interlock device on his/her vehicle for a period of one year. Defendant shall pay the costs for the installation and maintenance, and provide proof of the installation to the Arizona Department of Transportation and the Probation Office. Defendant shall provide proof of compliance and proof of inspection of the device to Arizona Department of Transportation every calendar quarter.

IT IS ORDERED that the Defendant shall complete 50 total hours of Community Service, at the rate of 20 hours each month.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing on 2/1/01 and due on the same day of each month thereafter during the term of probation.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$20.00 to the Clerk of the Superior Court of Maricopa County as follows:

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

\$250.00 to the DUI Abatement Fund.

Payment is to be made in regular monthly payments of \$25.00 commencing 2/1/01 and on the same day of each month thereafter until paid in full.

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The Court notes that Count 2 was dismissed on 7/11/00.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

IT IS ORDERED authorizing the Sheriff of Maricopa County to transport the Defendant to the Arizona Department of Corrections and authorizing the Department of Corrections to carry out the condition of imprisonment on probation.

ISSUED: Order of Confinement.

IT IS FURTHER ORDERED that the Clerk of the Superior Court remit to the Department of Corrections a copy of this order together with all presentence reports, probation violation reports, medical and psychological reports which are not sealed relating to the Defendant and involving this cause.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

9:10 a.m. Matter concludes.

/s/ HON. PENNY L. WILLRICH
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)